

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:06CR241
	)	
v.	)	
	)	
TYLER S. PENEUX,	)	ORDER
	)	
Defendant.	)	
_____	)	

Before the court is defendant's Motion to Withdraw Defendant's Request for Suppression of Evidence (Filing No. 37). The magistrate judge filed a Report and Recommendation (Filing No. 32) on October 11, 2006, regarding defendant's Motion to Suppress (Filing No. 23), and the government filed an objection (Filing No. 35) and supporting brief (Filing No. 36) on October 30, 2006, to the magistrate's Report and Recommendation. The defendant now requests that he be allowed to withdraw his Motion to Suppress. After considering the matter,

IT IS ORDERED:

1. Defendant's Motion to Withdraw Defendant's Request for Suppression of Evidence (Filing No. 37) is granted.
2. The defendant's Motion to Suppress (Filing No. 23) is ordered withdrawn.
3. The magistrate's Report and Recommendation (Filing No. 32) is hereby found moot.
4. The government's Objection to the magistrate's Report and Recommendation (Filing No. 35) is hereby found moot.

DATED this 9<sup>th</sup> day of November, 2006.

BY THE COURT:

s/ Joseph F. Bataillon  
JOSEPH F. BATAILLON  
United States District Judge